

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**SHANE WHITMORE,**

Plaintiff,

v.

**Case No. 18-cv-1299**

**NANCY A. BERRYHILL,**  
**Acting Commissioner of Social Security,**

Defendant.

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**ORDER ON THE PARTIES' JOINT MOTION FOR REMAND FOR  
FURTHER PROCEEDINGS PURSUANT TO SENTENCE FOUR OF 42  
U.S.C. § 405(g)**

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Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' stipulated joint motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. *See Shalala v. Schaefer*, 509 U.S. 292, 296 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 97-98 (1991).

On judicial remand, the Appeals Council will instruct an Administrative Law Judge ("ALJ") to offer the claimant the opportunity for a hearing where Plaintiff may testify and submit additional arguments and evidence. The ALJ will take further action to complete the administrative record. The ALJ will reevaluate the

record, including reevaluation of opinion evidence. The ALJ will reevaluate the intensity, persistence, and functionally limiting effects of Plaintiff's symptoms consistent with the applicable rules and regulations. The ALJ will proceed through the sequential evaluation process as needed reach a decision. If the evaluation reaches step four, the ALJ will reevaluate Plaintiff's residual functional capacity, and the ALJ will obtain vocational testimony as needed to support a decision consistent with the applicable rules and regulations. The ALJ will issue a de novo decision.

Dated at Milwaukee, Wisconsin, this 18th day of March, 2019.

**BY THE COURT:**

*s/ David E. Jones*  
DAVID E. JONES  
United States Magistrate Judge